MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*) : അങ്ങിനെ വിചാരിക്കുന്നില്ല.

MR. R. RAMAN PILLAI (*Kottayam*) : അവരുടെ സംഖ്യ ക്ലിപ്തം വരുത്താൻ വല്ല വ്യവസ്ഥയും ചെയ്തിട്ടുണ്ടോ?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*) : ഇപ്പോൾ വിദ്യാഭ്യാസമുള്ള തൊഴിലില്ലാത്തവരുടെ കണക്കു മാത്രമേ എടുക്കുന്നുള്ളൂ.

MR. R. RAMAN PILLAI (*Kottayam*): വിദ്യാവിഹീനരുടെ എണ്ണം നിശ്ചയിക്കുന്നതു രാജ്യക്ഷേമത്തിനു ഉതകുന്നതല്ലെന്നാണൊ വിചാരിക്കുന്നതു?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*): ഇപ്പോഴത്തെ സെൻസസ്സിൽ പഠിച്ച വല്ലവരും ജോലി ഇല്ലാത്തവരായി ഉണ്ടെങ്കിൽ അവരുടെ കാര്യം മാത്രം നോക്കാമെന്നാണു വിചാരിക്കുന്നതു്.

MR. R. RAMAN PILLAI (*Kottayam*) : തൊഴിലില്ലാത്തവർ പഠിച്ചവരിലാണോ പഠിക്കാത്തവരിലാണൊ അധികം ഉള്ളതു്?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*) : അങ്ങിനെ കണക്കു് എടുത്തിട്ടില്ല.

MR. R. RAMAN PILLAI (*Kottayam*) : പഠിക്കാത്ത തൊഴിലില്ലാത്തവരുടെ സംഖ്യകൂടി തിട്ടപ്പെടുത്തുന്നതിനു ഗവർണ്മെൻറ് ആലോചിക്കുമോ?

MR. T. P. RAMASUBBA AIYAR (*Ag. Chief Secretary to Government*) : ആലോചിക്കാം.

MOTION FOR THE ADJOURNMENT OF THE HOUSE.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Sir, I have a motion for the adjournment of the House.

(The member then handed over to the Deputy President the paper containing his motion.)

DEPUTY PRESIDENT : Mr. K. P. Nilakanta Pillai has placed in my hands a motion for adjournment. He asks for leave to move for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, that is, the situation created in the country on account of the recent policy initiated by the Government towards temperance movement in the State which has painfully impressed the friends of temperance.

And, in the statement appended to his application he says that the object of the motion is to discuss this aspect of the question, namely, that the attitude of Government has not only endangered the elementary rights of the citizens, but has also caused considerable annoyance

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to the real friends of temperance. He wants primarily to discuss that aspect of the question and to get a declaration from the Government of its policy in the matter.

Well, as he himself anticipates in the statement appended by him, "*the repressive character*" of the policy pursued by the Government in connection with the temperance movement, I believe, relates to wholesale arrests of temperance agitators in different parts of the country.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : A considerable portion of my statement has already been placed before the House by the Chair. May I request that the latter part of the statement also may be made available to the House?

DEPUTY PRESIDENT : I shall be most happy to read your statement, the whole of it, before the House for *their* information as well.

MR. G. PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I rise to a point of order. Under the Rules, the statement could be read only if the President thinks that the motion itself is in order.

DEPUTY PRESIDENT : I exercise my discretion in favour of Mr. Nilakanta Pillai's request for the whole of his statement being read out for the information of the House.

MR. G. PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : That rests entirely with the Chair, Sir.

DEPUTY PRESIDENT : Quite so, and I exercise my discretion in favour of placing the House in full possession of the details of the statement placed in my hands by Mr. Nilakanta Pillai.

"The object and the only object of the motion is to discuss the policy recently adopted by Government towards temperance movement in the State. Though Government have never been consistent in their statement of the Excise policy, yet from utterances made from time to time it has been made more than plain that the goal of their Excise policy is one of prohibition. But the policy of repression now adopted by Government is neither right nor politic for the State. It has not only endangered the elementary rights of citizens but has also caused considerable annoyance to the real friends of temperance. The object of the motion is to discuss this aspect of the question and to get, if possible, a declaration of the policy of Government, and nothing more.

"Besides I am aware of the fact that many arrests have been made in different parts of the State in connection with the Temperance Movement. It is not intended by this motion to discuss the arrests and the proceedings started against the arrested now pending in law courts. A reasonable debate on the motion without referring to the prosecutions launched against the persons arrested is possible. So this motion does not violate the forms and procedure laid down in the Regulation, Rules and Standing Orders governing the same on the one hand, or the accepted principles, precedents and conventions that should regulate fair discussion and free decision of the question on the other".

Personally, I have absolutely nothing to say against the statement which Mr. Nilakanta Pillai has appended to his application for leave to move the adjournment of the House. But, whatever may be my sympathies with him, I am here strictly controlled by the Rules and

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MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): May I request the Chair to give us an opportunity of convincing the Chair of the acceptability of the motion?

DEPUTY PRESIDENT: I do not propse to have a regular discussion of the subject.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Before ... ...

DEPUTY PRESIDENT: Allow me to finish, and then, at the end of it, if you want to add anything and if you feel you can convince me of the incorrectness of my ruling I am certainly prepared to reconsider it.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): There are some very important rulings of some of the premier Legislatures of India and other places which we would like to refer to in this connection. Therefore, if it is the intention of the President to rule out the motion under the Regulation or the Standing Orders or the Rules, I request that, before it is ruled out, we should be given an opportunity to bring to the notice of the Chair some leading rulings that have been made on the subject in British Indian Legislatures.

DEPUTY PRESIDENT: Mr. Nilakanta Pillai, as at present advised, I am for ruling the motion out of order. But, if you think you can persuade me to change my view, I have not the slightest objection to listen to you.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): I rise to a point of order. The President's ruling cannot be questioned.

DEPUTY PRESIDENT: I have not given any ruling, and he has not questioned it. I do not think he would go to the length of questioning the correctness of the ruling from the Chair. His request is that before I give my ruling he should be permitted to bring to the notice of the Chair, in a friendly way, the decisions in other Parliamentary assemblies where such adjournment motions have been permitted. I am not concluded by them. But if they would be of any help to me in coming to a correct conclusion I do not propose to shut out light from whatever quarter it may come. I cannot, certainly, allow the House *generally* to discuss the question. One or two of you I have no objection to listen to provided you confine your remarks strictly to the merits of the question as an abstract proposition of law, *viz.*, whether, in a case of this nature, where a series of arrests have been made and the matter is pending before Courts of Law, where it is clearly a matter *sub judice*, you should be allowed to discuss the merits of the question. Mr. Nilakanta Pillai has in his statement assured the Chair that it is possible to have a discussion without referring to the prosecutions and the trials pending before Courts of Law. However, that is one aspect of the question. The other aspect of the question—I am just giving you the possible points on which you may direct your criticisms or observations—the other aspect of the question is that you wish to have a declaration from Government of their policy in the matter of Excise Administration. Mr. Nilakanta Pillai has also complained in his statement that the Government have not been

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consistent in the matter. But he sums it up by saying that, so far as he has gathered it, the policy of the Government is one of prohibition. The Government and the Public may agree on that matter. But, as to when prohibition should be brought into effect whether it should be to-morrow or the day after or years hence, that is a matter on which there might be serious difference of opinion even among those who plead for prohibition at an early date.

With reference to Mr. Nilakanta Pillai's desire to know the policy of the Government in this matter I am not going to anticipate what the Government spokesman may say on the subject at a later stage. The complaint of Mr. Nilakanta Pillai is that the House is not likely to get an opportunity to discuss the policy or to call for an enunciation of the policy from the Government on this very important question which is agitating the public mind not merely in this farthest extremity in the south of India, but throughout the Indian continent where the movement is gathering great momentum day by day. Now, as to the question whether the Council could get an opportunity to elicit at an early date a statement from Government of its policy in the matter and the method that it proposes to adopt in carrying out that policy, I join issue with my friend Mr. Nilakanta Pillai. We are just beginning the Budget Session of this Council. There is the Budget discussion. Ample opportunity will be afforded to all the members of the House to state their views on this all-important question. Then comes the voting of grants. It is open to you by a token motion to get a declaration of policy or to express the displeasure or the dissatisfaction of the House or to censure the Government for the policy pursued by them, if, unanimously or by a majority you carry the token motion. The complaint therefore that you should not get an early opportunity of discussing this aspect of the question is baseless. It is a matter of a week after all. People who have been waiting for decades together to get rid of what they consider to be a tainted revenue can very well afford to wait in patience for just a few days more when in a more effective manner they can bring home to Government their real feelings on this very important question. So, at present, Mr. Nilakanta Pillai, it appears to me, that the wrong that you complain of is not without a remedy; and the remedy is not a far off distant vision. You can realise it in a remarkably short time. It is a matter of a week. It appears to me that for getting a simple expression of opinion from the Government a token cut will be much more effective than a general adjournment motion under which nothing definite could be postulated either on the one side or on the other. Possibly the time that would be taken up at this stage may be spent more advantageously by discussing the matter during the voting of demands for grants. Now, you are anticipating the final voting of the Excise Demand as it were. Well, an anticipatory motion of such a character is certainly repugnant to the Rules and Standing Orders. There is absolutely no urgency about the matter either. It is not a case where you cannot have a remedy.

It appears to me these are the lines, broad lines on which the question has to be approached. I have given you what appears to me to

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[Deputy President,]

be my tentative conclusions. I do not put it as my final ruling because that will deprive you of an opportunity of having your say. As I have already stated, I have now placed before you what appears to me my tentative conclusion on the various aspects from which this application for leave for adjournment of the House has to be approached. I shall be happy, Mr. Nilakanta Pillai to hear you. Mr. Asan also wanted to make a few observations. I shall allow both of you to speak; and, in fairness to the other side I shall allow the Law Member also to say what he has to say, to modify my tentative conclusion or to confirm it as my final ruling. To my mind, nothing is lost in giving you the privilege of having your say on the matter though strictly under the Rules and Standing Orders it is entirely within the discretion of the President to allow it or not.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Sir, the rule under which this motion can be ruled out is Rule 53 (2) (i) and that is this; the motion should not refer to any matter on which a judicial decision is pending. With reference to this aspect of the Rule, as I have already explained in my motion, the only question which has to be brought to the notice of the House and which has to be discussed is the policy of repression recently adopted by Government. Then, when we consider the admissibility or otherwise of this motion, the intellectual exercise which the House has to perform is whether it is possible to discuss this motion without referring to the arrests which have been ordered now and the prosecution launched against arrested persons pending in law courts.

DEPUTY PRESIDENT: Mr. K. P. Nilakanta Pillai, it is rather a difficult intellectual operation.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Then, according to me, as the mover of this motion, it is within *my* limits; and I feel completely competent to handle this motion in whatever way the discussion may turn, to have a thorough debate on the motion without referring to these prosecutions and arrests. I presume, Sir, that it may not be impossible for the other members also to have a thorough debate or a fair discussion without referring to the merits or otherwise of the cases against the arrested persons now pending in law courts.

DEPUTY PRESIDENT: Then, why do you use the word 'repressive'? You assume that something is being done which is repugnant to our ideas of natural justice.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): According to me, that is going too far.

DEPUTY PRESIDENT: The very word 'repression' that you have used in the course of your statement suggests that there is something that is unconstitutional, and something that could not be allowed by the statutory law of the country.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): That is what I mean. Whatever may be the merits or demerits of the cases now pending in law

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courts against these temperance workers, the only issue which the members who take part in the discussion of this motion have before them is whether the repressive policy of the Government could be brought to the light of the public without referring to these arrests.

DEPUTY PRESIDENT : That is to say, whether the existing provisions of the Abkari Law do not call for a modification under which the executive can function?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Whether the Abkari Rules require revision or the Penal Code or Criminal Procedure Code, even in that aspect, Sir, the motion is not inadmissible. The only objection which might be possibily put forward is—

DEPUTY PRESIDENT : Kindly answer the simple question. Is the action legal? The action may be perfectly undesirable, but still it may be legal. Do you concede that the action taken by the Police is legal? If it is legal any wrongful exercise of their authority or wrong use of that power is a matter that could be brought to the notice of the High Court in its revisional capacity for redress. If on the other hand you go further and say that the law itself is revolting to our modern conception of State policy, you must make an attempt to get rid of that law because it is undesirable and unreasonable, by moving a resolution or by bringing in a Bill to get rid of such objectionable law. How do you propose to explain that aspect and say that this motion is within the ambit of adjournment motions?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : That is not the object of my motion. It was a suggestion made by the Chair. It is not my object to discuss about the undesirability of existing laws or their application. I proceed on the assumption that the existing laws are perfect, the Police Regulations are perfect, the Rules under Excise and Abkari are perfect and the action taken by the Police under the Police Regulation is perfect and that the Police is unblamable to any extent. That is the basis on which this motion has to be discussed. So, if any sort of censure is meant it is not against the existing law or the action of the Police, but it is against the Head of the Administration.

DEPUTY PRESIDENT : You mean against Government?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : Yes. Recently there has been a ruling in the Madras Legislature in the matter. I am coming to the point whether it is possible to argue my point without referring to prosecution cases. The repressive policy is contemplated in the motion itself whether directly or indirectly. Recently in the Madras Legislature it has been ruled in favour of the motion, that the question of sanction could be discussed without referring to the merits of the cases. Therefore, if in Madras such a subtle distinction could be made out and the House given an opportunity to discuss the question which according to the suggestion of the President it is impossible to distinguish from prosecutions, I find no reason why this motion could not be discussed without referring to the prosecutions launched against the offending persons. Then, coming to the ruling in the Assembly on the 11th

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April 1929, the President ruled, with reference to the Public Safety Bill when it was proposed to consider that Bill in the House, that the Bill could not be proceeded with because without referring to prosecutions made while the Bill was pending in the legislature a reasonable and fair discussion of the Bill was not possible; and the ruling clearly states that the Public Safety Bill itself was necessitated because Government wanted to take action against revolutionists in India. For that deliberate purpose the Bill was drafted and the Bill was being pushed through in the Assembly. In the objects and reasons of the Bill itself that had been clearly laid down. The President ruled out the Bill, because after the introduction and before the consideration of the Bill several arrests had been ordered in Meerut; and without referring to those arrests which were made in accordance with the provisions of the Bill, it was not possible to have a fair discussion.

DEPUTY PRESIDENT: Arrests were made in accordance with the law that then existed.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Arrests were made according to provisions contemplated in the Bill.

DEPUTY PRESIDENT: What he said was that a fair discussion of the Bill was not possible without referring to the Meerut Conspiracy Case, the acts of communism or anarchism of the accused in that case. So, in his opinion, it was undesirable that the question should be discussed in the Assembly.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The object of that Bill itself was to make some provision to proceed against the revolutionists.

DEPUTY PRESIDENT: In a summary manner?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Yes. Therefore, it had to be ruled by the President that without reference to the Meerut Case it was not possible to have a fair discussion. These are the two rulings which I want to place before the House.

Then, against the opportunity to discuss this very important matter in the Council, the only objection is that the adjournment motion should not anticipate a motion which may come up for discussion in the same Session of the Council. We have not forwarded any motions anticipating this adjournment motion. This is the first motion which the Council is aware of on this matter and the members have not tabled any other motion on this matter. From that aspect, this motion is not inadmissible. These are the three points which I want to place before the House.

DEPUTY PRESIDENT: Anything fresh, Mr. Asan?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): In this connection what I beg to submit is, it is quite possible to regulate the proceedings whenever any member transgresses the limits allowed by law, since the President is competent to check him and see that the discussion is limited to matters which are not engaging the attention of the courts.

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DEPUTY PRESIDENT: My difficulty is about the words 'repressive policy' used in the statement.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikavalli*): The word 'repressive' is not used in the motion. The motion alone has to be considered at this stage to see whether it is *in* order or *out of* order. For that purpose there is a ruling of the legislative Assembly for quoting which I have just sent for the book. That ruling was given in circumstances like this. That is to say, a motion for adjournment was moved by Pandit Motilal Nehru in the Legislative Assembly on the 21st or 22nd April asking for leave to discuss the policy of Government as regards Meerut arrests. After hearing many learned members of the Assembly it was ruled by the President that such a motion *was* admissible, that the policy could be discussed and that he would see that the discussion was restricted within allowable limits. So, what I have to say is that the first non-official President of the Legislative Assembly has ruled that it is allowable under the circumstances; and I think that, as this is the first time a non-official member occupying the Chair gets a chance of allowing such a motion, the Deputy President should take advantage of it.

DEPUTY PRESIDENT: I have given my ruling on an earlier occasion on the subject.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I have sent for the book.

DEPUTY PRESIDENT: I cannot be expected to give a ruling without really knowing the circumstances of the case.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I have just sent for the book. I am very anxious to see that you examine it. I want to draw your attention to that case. I never thought that this difficulty would arise.

As regards the second point .....

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): The Ruling which he quoted is not the same.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): That was given after hearing the views of prominent members of the House. That is all what I have to say. I would like to hear the views of the Law Member; and then I shall say what I have to say further.

MR. G. PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Mr. K. P. Nilakanta Pillai has stated very clearly what the object of the motion is. Having heard him, I have no hesitation whatever to submit to you, Sir, that there is no urgency whatever about the matter covered by this motion. There has been no sudden change in the Excise policy adopted by the Government so as to furnish a matter for an emergency motion like this. The Rule is that motions for adjournment of the House are tabled so that the ordinary business of the House may be put aside and an opportunity might be had for discussing a matter of urgency which could not be approached except through such a motion. If the object of the motion is to discuss the attitude or the

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[Mr. G. Paramesvaran Pillai.]

policy of Government in the matter of prohibition or temperance—my friend has referred to temperance—an early opportunity for discussing the same will soon arise when the demand for grants under Excise comes up for debate next week.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): If the members decide not to send a motion for this purpose what is to be done.?

MR. G. PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I wish I were uninterrupted particularly because I am just going to meet Mr. K. P. Nilakanta Pillai's arguments.

DEPUTY PRESIDENT: Please do not interrupt him, Mr. Nilankanta Pillai. What Mr. K. P. Nilakanta Pillai has said is merely a suggestion. You may go on, Mr. Paramesvaran Pillai.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): The Law Member anticipates that every member on this side of the House would be compelled to have a motion during the discussion of the Budget.

DEPUTY PRESIDENT: He only says such a process is open to you.

MR. G. PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I wish my friend would kindly hear me out. I do not wish to be interrupted.

DEPUTY PRESIDENT: You may go on.

MR. G. PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Having had my own experience of the side now taken by Mr. K. P. Nilakanta Pillai, I wish to have the indulgence which this side always had shown to it, namely that of having, the right of an uninterrupted speech.

Now, Sir, my friend suggested that no member has yet tabled a motion in regard to reduction of grant under Excise demand or the General Administration so that the excise policy of Government might come up for discussion. On that ground, it was urged that the motion now tabled by him would not be of an anticipatory nature. I quite realise the force of that contention. But I will only invite the attention of my friends to sub-rule (4) of Rule 19 which deals with anticipatory motions. It says—

"The motion must not anticipate a *matter* which has been *previously appointed for consideration.*"

It need not necessarily be that a *motion* should have been *actually tabled in* regard to the demand under Excise. On the other hand what is contemplated is—

DEPUTY PRESIDENT: You must allow *me* to interrupt you. It appears that this particular matter of the Excise policy has not been appointed for consideration on any one day.

MR. G. PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): My point is that the members of this House have been given previous notice by Government that the demand under Excise will come

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in for discussion on a particular date; it follows that the demand for Excise is taken up in this Session. There will then be opportunity for this House to disscuss the question of policy relating to Excise.

MR. A. THANU PILLAI (*Trivandrum*): May I know from the member whether it is not possible under the present circumstances that the demand under Excise will not come up for consideration in this House?

MR. G. PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): It is not possible under the present circumstances.

DEPUTY PRESIDENT: You say that the Government have provided an early opportunity to discuss this aspect of the question under Excise demand?

MR. G. PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Yes, Sir. At that time the House will have ample opportunity to discuss the policy and the attitude adopted by Government towards temperance. I am discussing this point not only to stress the *anticipatory nature* of the motion, but also with reference to the *urgency* of the motion that has been urged. Now, Sir, it may appear rather strange to my friends that I have been interpreting sub-rule 4 so as to be more favourable to Government than the rule would justify; but I am fortified in this matter not only by rulings of the Madras Legislature but also by rulings in the very Mother of Parliaments. I would quote to my friend first the Madras Ruling on the point. I shall refer to a very recent ruling of the Madras Council given on the 16th March 1929, when a similar motion, not with reference to the demand under Excise but with reference to demand under Police, was tabled by Mr. Satyamurti of Madras. Then the Honourable President said that notice of adjournment motions should be given even before the President occupies the Chair. That is a suggestion that the Chair should not be taken by surprise. But that is one part of the ruling with which we are not now concerned.

DEPUTY PRESIDENT: I am not taken by surprise.

MR. G. PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Not that. The relevant portion is—"Even supposing that this notice is itself an application for such consent, *during Budget* debates, when there is every opportunity for Honorable members to discuss such matters I do not propose to give such consent."

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): May I request the Law Member to give the latest Ruling on the point in the Madras Council?

MR. G. PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): The latest relevant ruling is the one that I have just quoted.

Then, in regard to Parliamentary practice, there is no doubt whatever that the rulings are very relevant, for, we have borrowed all our Rules from the House of Commons. Motions for adjournment are

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ordinarily moved in exercise of the extraordinary jurisdiction, as it were, of the Council. The following observation in May's Parliamentary Practice page 248 are very relevant.

"Motions for adjournment regarding matters for the discussion of which the committee of supply would afford an early opportunity are out of order."

There could be no more relevant passage in any rule of procedure or practice than what was referred to by me from May's Parliamentary Practice.

Again, there is another ruling which is also of the same import from Campion in the Procedure of the House of Commons. It is stated there at page 133:

"The matter upon which the motion is based must require the immediate attention of the House and the Government and *not be postponable until an opportunity is provided by supply, etc.*"

and secondly

"it must not be a matter upon which notice has been given."

It is thus clear that unless the matter is not even postponable until the opportunity is provided by the committee of supplies, or that the matter should require the immediate attention of the Government, the motion for adjournment cannot be allowed.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it not a matter of opinion?

MR. G. PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I am just pointing out to the House that it is not obligatory that a motion should have been actually tabled for the purpose of discussing certain matters before the motion can be said to be out of order, if under ordinary circumstances and in all probability the matter covered by such motion can be discussed in the Committee of Supplies. The matter should be such as cannot even wait until the opportunity is afforded by the Committee of Supplies. Then only the motion is in order, and not otherwise.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Then, is it the opinion of the Law Member that no adjournment motion could be allowed during Budget discussion?

DEPUTY PRESIDENT: In that form you should not put the question. A matter which is likely to come up before the Committee of Supplies ought not to form the subject of such an adjournment motion unless the matter is urgent. It should be so important that you cannot postpone it even for a few minutes; that is the position that he has taken up. In that sense it cannot be postponed at all. In explaining the significance of the word "urgent" he has been telling you what the British practice and tradition is.

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MR. G. PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): In that connection, I have another ruling of the Madras Legislative Council that is very relevant. The President observed in vol. 26 Madras, page 46.

"It seems to me that motions for adjournment of the business of the house must be allowed only if they are so urgent that it is not possible in any other way to allow the House to express its opinion"

In other words, if there is a reasonable probability of the matter being discussed or being available for discussion within a reasonably short period of time there can be no justification for allowing the motion for adjournment.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is it the opinion of the Law Member that the *urgency*, as it would appear to the non-official members, is not a matter of so much importance?

DEPUTY PRESIDENT: That power, of restricting the discussion, entirely rests with the President.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Is not the present policy adopted by Government so much important as to draw the non-official attention for discussion?

DEPUTY PRESIDENT: He did not question the importance of it. All along he was dealing with the urgency of the matter.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): It is not of such urgent nature that it could be made to stand for a week.

DEPUTY PRESIDENT: What he said was that it was not so urgent as to justify an adjournment motion being admitted.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): May I know whether the demand under Excise will come up for discussion without being lapsed?

MR. G. PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): It is impossible that it should lapse.

DEPUTY PRESIDENT: Government have provided an opportunity for discussing the demand.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is the Law Member aware that year before last during the Budget discussion a motion for adjournment for discussing the ravages caused by cholera was allowed for discussion?

MR. G. PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I am aware of that; that motion was permitted to be discussed because cholera could not be expected to wait committing its ravages.

The point I would stress is this. The power to move for an adjournment is not in substitution for the ordinary procedure by way of resolution. The principles are as quoted by me, and, fortunately or unfortunately, these are the declared rulings of Legislative bodies elsewhere. I only wish to refer to one other point. My friend Mr. K. P. Nilakanta Pillai expressly said that he has nothing whatever to say

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[Mr. G. Paramesvaran Pillai.]

about matters that are *sub judice*. In regard to arrests and all matters connected therewith, he said he would certainly not trench upon them in the course of the discussion. Therefore, I need not bring to the attention of the President—and the President has practically indicated the lines.....

DEPUTY PRESIDENT: But I can change my views.

MR. G. PARAMESVARAN PILLI (*Ag. Additional Head Sirkar Vakil*): It is my earnest prayer that the views already indicated by you, being very sound, should not be modified.

DEPUTY PRESIDENT: Thank you.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The following is the motion moved by Mr. Pandit Motilal Nehru in the Legislative Assembly:—

> "I beg leave, Sir, to move the adjournment of the business of th House on a definite matter of urgent public importance, viz, the policy of, and the action taken by the Governor-General in Council in sanctioning and taking steps for the wholesale raids and arrests in several parts of India simultaneously yesterday of public workers belonging to labour and peasant organisations, youth leagues and other lawful associations".

DEPUTY PRESIDENT: Were the arrests under a special ordinance issued by the Viceroy, or were they under the common penal law of the land?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): The arrests did not take place under any special ordinance.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): When an ordinance is promulgated it has the effect of Law. Is it not so?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): This is the ruling of the President:

> "I am satisfied that the matter proposed to be discussed is a definite matter of urgent public importance. It is not denied that the matter is of recent occurrence. What is contended is that the matter proposed to be discussed is sub-judice. As I understand the Opposition Benches, they propose to discuss the policy underlying this large number of raids and arrests, and not the merits of the cases that are to come before the court of law for adjudication. I am quite satisfied that the matter proposed to be discussed is not sub judice, but I am bound to say that if, during the discussion of the motion for adjournment in the after-noon, any attempt is made to discuss the merits of any of the cases that are proposed to be lodged, the Chair will take steps to see that such discussion is not permitted. I hope Honourable Members, when discussing this matter, will confine themselves strictly to the policy underlying these arrests and not refer to the merits of the cases that are to come before the court. I rule that the motion is in order".

DEPUTY PRESIDENT: That particular aspect of the question appeals to me to be sound. Have you anything fresh to suggest Mr. K. P. Nilakanta Pillai?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): From the observations made by the learned Law Member against the admissibility of the

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motion, I understand that only one question has arisen, *viz.*, the question of urgency.

DEPUTY PRESIDENT: That is the point.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Therefore, it is for us to see whether the matter which is contemplated to be discussed in the motion is of such an urgent nature that we cannot afford to wait even for a day. I submit that the policy now adopted by the Government is of such a serious nature, that it interferes with the elementary rights of citizens and people of lawful and peaceful avocations, that *we* cannot, as the representatives of the people, afford to wait even for a single day. Therefore, Sir, I submit that the motion cannot be ruled out on the ground of not being urgent.

DEPUTY PRESIDENT: I have listened with considerable interest.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*): I rise to a point of order. I wish to know whether in the demand for Excise we can discuss the policy of Government with regard to the temperance movement?

DEPUTY PRESIDENT: I do not propose to answer hypothetical questions. If I am presiding at the time the Excise Demand is being discussed, and if you *then* raise the point of order, I shall then give you my ruling. You are now entirely out of order.

MR. A. THANU PILLAI (*Trivandrum*): There is no guarantee that motions under the Excise Demand will be discussed.

DEPUTY PRESIDENT: As I said, it was a very interesting discussion that we were listening to. I must candidly confess that except as regards one or two matters, nothing has been placed before me to modify the views which I expressed as tentative conclusions on the subject. The ruling of Speaker Mr. Patel lays down broadly that, while matters which are *sub judice* cannot be discussed in an adjournment motion, it is so possible to discuss the policy of the Government so as not to touch upon matters which are strictly before a court of law. Well, nothing is intellectually impossible. But, it appears to me, it is rather a very difficult intellectual acrobatic feat that you would be called upon to perform, if you discuss the present policy of the Government as it appears to some of you as regards their action in Quilon and other centres. It would be absolutely impossible for you to discuss it without referring to what in the opinion of some is an unconstitutional, undesirable, tyrannical use of power by the excutive. Even supposing it is possible for you to so attune your minds as to keep these things strictly outside the purview of the discussion; and even assuming that it is possible for the Chair to be very vigilent and to call you to order when you go astray you have not met all the objections against the adjournment motion.

One important aspect of the question which unfortunately none of of you touched upon at length is that there is no urgency about it; and in considering the question of urgency there may be some difficulty in

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[Deputy President.]

saying as to whether it is anticipating a motion which has been set down for discussion. Even supposing that I agree with Mr. K. P. Nilakanta Pillai in his view of the case that this particular question of Excise policy has not been set down for discussion on a subsequent day, the House is given another opportunity of discussing it; and that is all that the Executive Government is bound to do. You can discuss it in the course of the general discussion of the Budget; and as I said at the outset you can discuss it by means of token motions.

Mr. Thanu Pillai raised the question whether it would be possible to come to the Excise Demand at all and whether by some lapse of time the opportunity that would otherwise be afforded would not be taken away. I say, it rests with you generally to withdraw all other motions which in your judgment are not so important, and secure time for pressing this particular question. Whether you utilise the opportunity or not, the Chair is not in any way concerned with. The Chair is only concerned with the question whether at a reasonably early date you would get an opportunity of submitting to the House the particular grievances which form the subject of this adjournment motion. Mr. K. P. Nilakanta Pillai said that this is a matter in which he could not afford to wait even for a day. I differ from him. It is my privilege to differ from him in our respective estimates of the immediate requirements of the present situation. And, holding as I do that the interests of the public would not be jeopardized by this question being taken up a few days hence instead of today, I hold that there is no urgency which would justify the admission of this motion for adjournment. I reaffirm, therefore, the conclusion which I formed tentatively on the subject; and I reject the application for the adjournment of the business of the House.

MR. R. KESAVA PILLAI (*Kottarakara cum Kunnattur*): I beg leave to move for the adjournment of the business of the House on a definite matter of public importance *viz.*, the situation created in the State by the attitude taken up by the Government at present towards the consumption of intoxicating liquors.

(The member then handed over to the Deputy President the paper containing notice of his motion.)

DEPUTY PRESIDENT: Although in a slightly modified form, I hold that this motion is identical with the motion which we had been discussing and that no useful purpose would be served by spending any time over it. I therefore reject the motion.

REGULATIONS ASSENTED TO BY HER HIGHNESS THE MAHA RANI REGENT.

MR. P. N. KISHNA PILLAI (*Secretary to the Legislative Council*): The following Regulations received the assent of Her Highness the Maha Rani Regent.

The Travancore Census Bill.

The Revenue Summons Regulation Amendment Bill.

The Land Conservancy Regulation Amendment Bill.

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